IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7155 of 2005

Between:

The A.P. Power Generation Corporation Limited,

Rep. by its General Manager (HR),
Vidyut Soudha, Khairatabad, Hyderabad.

..... PETITIONER

AND

1 The Assistant Provident Fund Commissioner/ Office

-in-Charge, Employees Provident fund Organisation,
Office of the Assistant Provident Fund Commissioner, 1/30,

R.S. Road, Cuddapah.
2 Andhra Bank, RTPP, V.V. Reddy Nagar, Kalamall,

Cuddapah, Rep. by its Branch Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned Proceedings No. AP/SRO/CP/Enf/AP/25561/2005/813, dt. 04-03-2005, and subsequent Proceedings No. AP/SRO/CP/25561/SRO/CDP/ENF/RTPP/2005/1083, dt. 26-03-2005, and Proceedings No. AP/SRO/CDP/Enf/25561/8F/2005, dt. 28-03-2005, issued by the 1st Respondent issued under Section 7-A and 8-F of the Act, as illegal and unenforceable and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT E.URMILA

Counsel for the Respondents: MR.R.N.REDDY

The Court, at the stage of admission, made the following:

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ORDER:

This writ petition is filed questioning the order dated 04.03.2005 as well as the consequential prohibitory order dated 28.03.2005 passed by the first respondent-Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Kadapa.

Though the learned counsel for the petitioner put forth various contentions, learned Standing Counsel appearing for the respondents, at the outset, raised an objection as to the maintainability of the writ petition contending that since against the impugned order dated 04.03.2005 passed under Section
7-A of Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") an alternative remedy of appeal is available under Section 7-I of the Act, without exhausting the said remedy, the petitioner cannot maintain this writ petition.

I find force in the submission of the learned Standing Counsel.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the order dated 04.03.2005 passed by the first respondent under Section 7-A of the Act within a period of four weeks from today. If any appeal is preferred within the time specified above, the same shall be considered by the appellate authority and appropriate orders be passed in accordance with law. Pending further orders, all further proceedings in furtherance of the order dated 04.03.2005 as well as the prohibitory order dated 28.03.2005 shall

be stayed subject to the condition that the petitioner deposits 50 per cent of the amount demanded within a period of six weeks from today. No costs.

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01.04.2005

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To

1 The Assistant Provident Fund Commissioner/ Office

-in-Charge, Employees Provident fund Organisation,
Office of the Assistant Provident Fund Commissioner, 1/30,

R.S. Road, Cuddapah.
2 The Branch Manager Andhra Bank, RTPP,

V.V. Reddy Nagar,

Kalamall, Cuddapah.
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